

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ELITE PHYSICIAN SERVICES, LLC,)
)
Plaintiff,) No. 1:06-CV-86
)
v.) *Mattice/Carter*
)
CITICORP CREDIT SERVICES, INC. (USA),)
)
Defendant.)

DEFENDANT'S MOTION TO STRIKE PLEADING

Defendant, Citicorp Credit Services, Inc. (USA) ("CCSI"), submits this Motion to Strike Court File No. 12, which was inadvertently filed. Specifically, the incorrect .pdf version of the Memorandum of Law in Support of CCSI's Reply was selected and filed.

Within thirty minutes of the inadvertent filing of Court File No. 12, counsel for CCSI realized the mistake and immediately filed Court File No. 13 in the place of Court File No. 12. Counsel for CCSI also immediately contacted counsel for Elite Physician Services, Inc.'s ("Elite") to advise them of the mistake.

Attached hereto is an Agreed Order striking Court File No. 12.

Respectfully Submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

By: s/ Joshua A. Powers

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Attorneys for Defendant, Citicorp Credit Services, Inc. (USA)

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2006, a copy of the foregoing Motion to Strike was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail and Certified Mail, Return Receipt Requested. Parties may access this filing through the Court's electronic filing system.

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s/ Joshua A. Powers